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PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Katsunori KAWANO et al.

Group Art Unit: 2872

Application No.: 10/660,485

Examiner: E. P. Cherry

Filed: September 12, 2003

Docket No.: 117108

For: OPTICAL RECORDING APPARATUS AND OPTICAL
RECORDING/REPRODUCING APPARATUS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

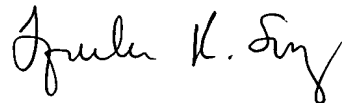
In reply to the January 26, 2005 Restriction Requirement, Applicants provisionally elect Group I, claims 1-5, with traverse.

The Restriction Requirement asserts that Groups I and III are distinct because the combination as claimed does not require the particulars of the subcombination. In particular, the Restriction Requirement asserts that the combination does not require a condensing optical system, which condenses the circularly polarized light. However, claim 12 of Group III specifically recites "the condensing optical system condenses the circularly polarized light, which has been converted by the wavelength plate and in which the signal light and the reference light revolve in directions opposite to each other, into a predetermined area of the optical recording medium," as also recited in claim 1 of Group I. According to MPEP §806.5(c) II, if there is no evidence that the combination is patentable without the details of the subcombination, restriction should not be required.

It is also respectfully submitted that the subject matter of all claims 1-17 is sufficiently related that a thorough search for the subject matter of any one Group of claims would encompass a search for the subject matter of the remaining claims. Thus, it is respectfully submitted that the search and examination of the entire application could be made without serious burden. See MPEP §803 in which it is stated that "if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions" (emphasis added). It is respectfully submitted that this policy should apply in the present application in order to avoid unnecessary delay and expense to Applicants and duplicative examination by the Patent Office.

Thus, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,



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Date: February 25, 2005

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